

TFW 2143

JUL 1 8 2005 6				·		
RADEMARKS			Apı	plication Number	10/043,824	4
			Fili	ng Date	January 1	1, 2002
TRANS	MITTAL FOR	:M	Fire	st Named Inventor	Joseph R	ustad
	orrespondence during pe iled application)	endency of	Gro	oup Art Unit Number	2143	
			Exa	aminer Name	Jude Jear	n Gilles
Total Number of Pag	ges in This Submission	6	Att	orney Docket Number	16010-058	385
	ENCL	OSURES	(c	heck all that apply	<i>(</i> )	
Return Receipt Response to Note Assignment & Formal Declaration Power of Attorn Application Dat Information Dis Request for Co Request for Co Amendment/Ret After Status Request	otice to File Missing Par Recordation Cover Sheet ney is Sheet is closure Statement & PT es of IDS Cited Reference irrected Filing Receipt irrection of Recorded As esponse: [ ] Page(s)	ot FO/SB/08A ces signment		I —	raftsperson s): s) of Figure(s)   sication to Boar sication to Grou Brief, Reply Br F Priority Docur	rd of Appeals and up rief) ment(s)
	T			TORNEY OR AGE	NT	
Signature:	Clamis.	C Ch				
Attorney/Reg. No.:	David K. Varn, Reg. I	No. 53,718			Dated:	JULY 13, 2005
CERTIFICATE OF MAILING  I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.						
Signature:	<del></del>	KU	<u>_</u>		1	1 mm
Typed or Printed Na	me: David K. Varn				Dated:	July 13 2005

Express Mail Mailing Number (optional):

JUL 1 8 2005 G

## FEETRANSMITTAL for FY 2005

Patent fees are subject to annual revision. Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known					
Application Number	10/043,824				
Filing Date	January 11, 2002				
First Named Inventor	Joseph Rustad				
Examiner Name	Jude Jean Gilles				
Art Unit :	2143				
Attorney Docket No	16010-05885				

METHOD OF PAYME	_	FEE CALCULATION (continued)					
Check Credit Card Deposit Account:	Money Order Other None	3. AD	DITION	AL FEE	S		
Deposit Account Number	19-2555	Large E	Entity	Small	Entity	Fee Description	Fee Paid
Deposit Account Name	Fenwick & West LLP	Fee Code	Fee (\$)	Fee Code	Fee (\$)		
	orized to: (check all that apply)	1051	130	2051	65	Surcharge - late filing fee or oath or declaration	
I = " ''	below 🛛 Credit any overpayments	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
	s) or any underpayment of fee(s) due	1053	130	1053	130	Non-English specification	
application	1.17 during the pendency of this	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
	below, except for the filing fee to	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
the above-identified depo	osit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
FEE CA	LCULATION	1251	120	2251	60	Extension for reply within first month	
1. BASIC FILING FEE		1252	450	2252	225	Extension for reply within second month	
Large Entity Small Entity		1253	1020	2253	510	Extension for reply within third month	
Fee Fee Fee	Fee Description Fee Paid	1254	1,590	2254	795	Extension for reply within fourth month	<u> </u>
Code (\$) Code (\$)		1255	2,160	2255	1,080	Extension for reply within fifth month	
		1401 1402	500 500	2401	250 250	Notice of Appeal  Filing a brief in support of an appeal	<del></del>
		1402	1000	2402	500	Request for oral hearing	
	<del></del>	1451	1.510	1451	1,510	Petition to institute a public use proceeding	
-		1452	500	2452	250	Petition to revive - unavoidable	
SUBTOT	TAL (1) (\$)	1453	1,500	2453	750	Petition to revive - unintentional	·
2. EXTRA CLAIM FEES	FOR UTILITY AND REISSUE	1501	1,400	2501	700	Utility issue fee (or reissue)	
Extr	a Claims Fee from Fee Paid	1502	800	2502	400	Design issue fee	
Total Claims -20***	x =	1503	1100	2503	550	Plant issue fee	
Independent Claims	x =	1460	_	1460		Petitions to the Director	
Multiple Dependent	=	1807	50	1807	50	Processing fee for Provisional Applications	
Large Entity Small Entity		1806	180	1806	180	Submission of Information Disclosure Stmt	180
Fee Fee Code (\$)	Fee Description	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1202 50 2202 25	Claims in excess of 20	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1201 200 2201 100	Independent claims in excess of 3	1810 ·	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1203 360 2203 180	Multiple dependent claim, if not paid	1801	790	2801	395	Request for Continued Examination (RCE)	
1204 200 2204 100	**Reissue independent claims over original patent	1802	900	1802	900	Request for expedited examination of a design application	
1205 50 2205 25	**Reissue claims in excess of 20 and over original patent	Other f	ee (specif	ý)			
SUBTO					SUBTOTAL (3) (\$) 180.	00	
or number previously paid, if	•Reduc	ed by Basi	c Filina F	ee Paid	SUBTUTAL (3) (W) TOU.		
- Promote Prom			,			<del></del>	<u>-</u>

SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	David K. Varn	Registration No. (Attorney/Agent)	53,718		Telephone (650) 335-7183
Signature	Claud K. Can			Date -	July 13, 2005



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Joseph Rustad

**APPLICATION NO.:** 

10/043,824

FILING DATE:

January 11, 2002

TITLE:

Fast Transaction Response Time Prediction Across Multiple Delay

Sources

**EXAMINER:** 

Jude Jean Gilles

**GROUP ART UNIT:** 

2143

ATTY. DKT. NO.:

16010-05885

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated:

David K. Varn, Reg. No.: 53,718

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 **ALEXANDRIA, VA 22313-1450** 

## INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

	within three months of the filing date of the application, or date of entry into
	the national stage of an international application, or before the mailing date of
	a first office action on the merits, whichever event last occurred;
	before the mailing of a first official action after the filing of a request for
	continued examination (RCE) under 37 CFR § 1.114;
$\boxtimes$	after three months of the filing date of this national application or the date of
	entry of the national stage in an international application, or after the mailing

07/18/2005 NNGUYENI 00000022 10043824

37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and: Ø attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR.§ 1.97(c); OR Applicant certifies pursuant to 37 CFR § 1.97(e) that: each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and: Applicant certifies pursuant to 37 CFR. § 1.97(e) that: each item of information contained in this Information  $\Box$ Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; no item of information contained in this Information П Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated

date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under

		under 37 CFR § 1.56(c) more than three months prior to the
		filing of this Statement; AND
		attached hereto is the fee set forth under 37 CFR §1.17(p) for
		submission of this Information Disclosure Statement under 37 CFR.§
		1.97(d); OR
		after the payment of the issue fee. Applicant requests that the information
		contained in this Information Disclosure Statement be placed in the file
		according to 37 CFR § 1.97(i), although the information may not be
		considered by the USPTO.
		Enclosed is a copy of each listed reference that may be material to the examination of
		this application, and for which there may be a duty to disclose.
		This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior
		application No, filed on, and the references cited therein are hereby
		referenced, but are not required to be provided in this application under 37 CFR §
		1.98(d).
•		This application was filed after June 30, 2003. Therefore, pursuant to the waiver of
		the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each
		U.S. Patent Application Publication are not required to be submitted. Copies of any
		foreign patent documents and non-patent literature cited herein are enclosed.
		Each item of information contained in this Information Disclosure Statement was
		cited in a communication from a foreign patent office in a counterpart application,
		and the communication was not received by any individual designated in 37 CFR §
		1.56(c) more than thirty days prior to the filing of this Information Disclosure
		Statement. 37 CFR § 1.704(d).
		Applicant submits that no fee is required for the consideration of this Information
		Disclosure Statement.
	Consid	leration of the listed references and favorable action are solicited.
		Respectfully submitted,
		JOSEPH RUSTAD
Dated:	Ju	By: Clamit t. Can
		David K. Varn, Reg. No.: 53,718
		Fenwick & West LLP Silicon Valley Center
		801 California Street
		Mountain View, CA 94041
		Tel.: (650) 335-7183
		Fax.: (650) 938-5200

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

RADEMAN Substitute for form 1449A/PTO Complete if Known Application No. 10/043,824 INFORMATION DISCLOSURE Filing Date January 11, 2002 STATEMENT BY APPLICANT First Named Inventor Joseph Rustad Art Unit 2143 **Examiner Name** Jude Jean Gilles Attorney Docket Number Sheet of 16010-05885

JUL 1 8 2005

		ι	J.S. PATENT DOC	UMENTS
		Document No.		
Examiner Initials*	Cite No.1	Number – Kind Code² (if known)	Date MM-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-5,754,831 A	05-1998	Berman
	A2	US-5,978,576 A	11-1999	Sanadidi et al.
	A3	US-6,061,722 A	05-2000	Lipa et al.

FOREIGN PATENT DOCUMENTS						
		Foreign Patent Document				
Examiner Initials*	Cite No.1	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>©</sup>	

	OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>			

Examiner Signature	Date Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.